

## **REMARKS/ARGUMENTS**

In response to the Examiner's further Office Action of February 9, 2006 the Applicant respectfully submits the accompanying Amendment to the specification, Petition to Accept an Unintentionally Delayed Claim under 35 U.S.C. 120, and the below Remarks.

### ***Regarding Amendments***

Page 1 of the present specification is amended at the "Cross-Reference to Related Applications" section to delete ",the entire contents of which are herein incorporated by reference".

It is respectfully submitted that the above amendments do not add new matter to the present application.

### ***Regarding Allowable Subject Matter***

The Examiner's explanation of the withdrawal of the previous indication of the allowability of claims 1-6 and 8-16 is understood and appreciated.

The Applicant appreciates the Examiner's indication of the allowability of claims 4 and 8 under the conditions stated in the Office Action, and the allowance of claims 12-16.

### ***Regarding Priority***

A Petition to Accept an Unintentionally Delayed Claim under 35 U.S.C. 120 is being concurrently filed herewith with respect to the Amendment of April 6, 2005 and the current Amendment to correctly incorporate cross-reference and benefit claim under 35 U.S.C. 120 to the grandparent application USSN 09/112,767 of the present application. As stated in the Petition, the Applicant's delay in filing the benefit claim and the Petition was unintentional

### ***Regarding 35 USC 102(b) Rejections***

It is respectfully submitted that WO 99/03681 is not available as prior art against the present application under 35 USC 102, as the present application claims benefit of the filing date of the grandparent application, USSN 09/112,767, of July 10, 1998, which is before both the International filing date and the International publication date of WO 99/03681, being July 15, 1998 and January 28, 1999, respectively.

An information disclosure statement is enclosed herewith, listing further cited documents relating to this application. Additionally, the Applicant respectfully requests that the Examiner removes JP03653348, which was incorrectly cited on the previous IDS considered on February 18, 2005.

It is respectfully submitted that all of the Examiner's rejections have been traversed. Accordingly, it is submitted that the present application is in condition for allowance and reconsideration of the present application is respectfully requested.

Very respectfully,

Applicant:



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